



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 20 2004

Applicants : Jiangchun Xu et al.
Application No. : 09/232,880
Filed : January 15, 1999
For : COMPOUNDS FOR IMMUNODIAGNOSIS OF PROSTATE
CANCER AND METHODS FOR THEIR USE

TECH CENTER

Examiner : Alana M. Harris, Ph.D.
Art Unit : 1642
Docket No. : 210121.428C6
Date : October 15, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

Commissioner for Patents:

Applicants hereby petition the Commissioner to withdraw the Notice of Abandonment mailed March 5, 2004 for failure to timely file a proper reply to an Office Action mailed June 17, 2003 in the above-referenced application.

Applicants note that a Request for Continued Examination was timely filed on October 16, 2003. Applicants enclose herewith the following supporting documentation:

1. A copy of the return receipt postcard date stamped October 16, 2003;
2. A copy of the Express Mail label showing the Amendment was mailed on October 16, 2003; and

3. A copy of the Request for Continued Examination and Transmittal Documents as filed.

Accordingly, applicants hereby request the withdrawal of the improper holding of abandonment and entry of the Request for Continued Examination filed October 16, 2003. Should questions remain, the Examiner is invited to contact applicants' representative, Jeffrey Hundley, Ph.D. by telephone at 206-622-4900 or by email at JeffH@seedIP.com.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Jeffrey Hundley, Ph.D., Patent Agent
Registration No. 42,676

JEH:tt

Enclosures:

- Postcard
- Copy of Return Receipt Postcard
- Copy of the Express Mail Label
- Copy of the Request for Continued Examination and Transmittal Documents as filed

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SENT: October 16, 2003

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RCE REQUEST

Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Check; Request for Continued Examination Transmittal; Fee Transmittal (+ copy);
Petition for Extension of Time; in re: Jiangchun Xu et al., USAN 99/232,880, filed
January 15, 1999, for COMPOUNDS FOR IMMUNOTHERAPY OF PROSTATE
CANCER AND METHODS FOR THEIR USE.

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/232,880
	Filing Date	January 15, 1999
	First Named Inventor	Jiangchun Xu
	Art Unit	1642
	Examiner Name	Alana Harris
	Attorney Docket Number	210121.428C6

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☒ Other Response Under 37 CFR § 1.116 previously filed August 18, 2003.
 - Enclosed
 - ☐ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
 - ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1090.
 - ☐ RCE fee required under 37 C.F.R. § 1.17(e)
 - ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - ☐ Other _____
 - ☒ Check in the amount of \$ 880 enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Jeffrey Hundley, Ph.D., Patent Agent	Registration No. (Attorney/Agent)	42,676
Signature		Date	October 16, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.